

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

APRIL SESSION, 1997

<p>FILED</p> <p>April 16, 1997</p> <p>Cecil W. Crowson Appellate Court Clerk</p>

STATE OF TENNESSEE,

Appellee,

VS.

JOHN F. WOLARD,

Appellant.

)
) C.C.A. NO. 01C01-9612-CC-00532
)
) MONTGOMERY COUNTY
) (No. 35284 Below)
)
) The Hon. John H. Gasaway
)
) (Probation Revocation)

FOR THE APPELLANT:

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OPINION FILED _____

AFFIRMED PURSUANT TO RULE 20

PER CURIAM

OPINION

The appellant appeals as of right pursuant to Rule 3 of the Tennessee Rules of Appellate Procedure from the trial court's revocation of his probation. Although a hearing was held on the matter, the transcript of the proceedings is not included in the record on appeal. In revoking the appellant's probation, the trial court found that the state had proven by a preponderance of the evidence that the appellant failed to report weekly, failed to make progress in the MRT program, failed to pay fines and court costs, and failed to pay probation fees. Without a record of the evidence introduced at the hearing, we cannot conclude that the trial judge erred in revoking the appellant's probation. See State v. Ballard, 855 S.W.2d 557, 560-61 (Tenn.1993). Accordingly, after a review of the record, it is the opinion of this Court the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals Rules.

PER CURIAM
(Judges Wade, Welles, and Witt)